IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.998 OF 2003

IN

SUMMARY SUIT NO.2909 OF 2003

Rameshkumar B. Jain ....**Plffs.**

vs.

Jayantilal P. Jain .....**Defnds.**

S.C. Jadhav a/w. Rohin Kotain for the plaintiffs.

Tushar Goradia for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 22ND AUGUST 2005.

P.C. :

1. The present suit is filed on the amount lent and advanced by cheque and reliance is placed on interest is paid by the defendants. In my view the present suit is not maintainable as a summary suit under O.37 R.2 because the suit cannot be maintainable merely on issuance of a cheque. It has to be for an amount to be

recovered on a dishonoured cheque as a negotiable instrument. In view thereof I find no bonafide defence in the present case. In view thereof Summons for judgment dismissed.

sd/-

****